

**Senator Daniel Hemmert** proposes the following substitute bill:

**PROFESSIONAL LICENSING AMENDMENTS**

2019 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Mike Schultz**

Senate Sponsor: Daniel Hemmert

Cosponsor: Mike Winder

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**LONG TITLE**

**General Description:**

This bill modifies provisions of the Division of Occupational and Professional Licensing Act (the act).

**Highlighted Provisions:**

This bill:

- ▶ modifies licensing by endorsement provisions of the act;
- ▶ modifies testing, course work, experience, and continuing education requirements for certain contractor licenses;
- ▶ modifies direct supervision requirements and other licensing requirements for apprentice plumbers and electricians;
- ▶ authorizes certain surcharge fees for applying for, renewing, or reinstating certain licenses; and
- ▶ makes technical changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**



25 None

26 **Utah Code Sections Affected:**

27 AMENDS:

28 **58-1-302**, as last amended by Laws of Utah 2018, Chapter 198

29 **58-55-102**, as last amended by Laws of Utah 2018, Chapter 281

30 **58-55-201**, as last amended by Laws of Utah 2008, Chapter 215

31 **58-55-302**, as last amended by Laws of Utah 2017, Chapter 411

32 **58-55-302.5**, as last amended by Laws of Utah 2017, Chapters 363 and 411

33 **58-55-305**, as last amended by Laws of Utah 2018, Chapter 318

34 **63J-1-602.1**, as last amended by Laws of Utah 2018, Chapters 114, 347, 430 and

35 repealed and reenacted by Laws of Utah 2018, Chapter 469

36 ENACTS:

37 **58-3a-105**, Utah Code Annotated 1953

38 **58-22-104**, Utah Code Annotated 1953

39 **58-55-104**, Utah Code Annotated 1953

40 **58-55-105**, Utah Code Annotated 1953

41 **58-55-106**, Utah Code Annotated 1953

42 **58-56-3.5**, Utah Code Annotated 1953



44 *Be it enacted by the Legislature of the state of Utah:*

45 Section 1. Section **58-1-302** is amended to read:

46 **58-1-302. License by endorsement.**

47 [~~(1) As used in this section:~~]

48 [~~(a) "Domicile" means the place where an individual has a fixed permanent home.~~]

49 [~~(b) "Resident" means an individual who:~~]

50 [~~(i) has established a domicile in this state;~~]

51 [~~(ii) engages in a trade, profession, or occupation in this state, or who accepts~~

52 ~~employment in other than seasonal work in this state, and who does not commute into the state;~~

53 ~~and]~~

54 [~~(iii) holds an unexpired Utah driver license issued under Title 53, Chapter 3, Part 2,~~

55 ~~Driver Licensing Act, or an unexpired Utah identification card issued under Title 53, Chapter~~

56 ~~3, Part 8, Identification Card Act.]~~

57 ~~[(2)]~~ (1) Subject to Subsections ~~[(3), (4), and (5)]~~ (2), (3), and (4), the division may  
58 issue a license without examination to a ~~[resident]~~ person who has been licensed in a state,  
59 district, or territory of the United States or in a foreign country if:

60 (a) the division determines the education, experience, and examination requirements of  
61 the state, district, or territory of the United States or the foreign country, at the time the license  
62 was issued, were substantially equal to the current requirements of this state; or

63 (b) after being licensed outside of this state, the ~~[resident]~~ person has at least one year  
64 of experience in the state, district, or territory of the United States where the license was issued,  
65 and the division determines the ~~[resident]~~ person has the education, experience, and skills  
66 necessary to demonstrate competency in the occupation or profession for which licensure is  
67 sought.

68 ~~[(3)]~~ (2) The division, in consultation with the applicable licensing board, may make  
69 rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,  
70 prescribing the requirements of Subsection ~~[(2)]~~ (1).

71 ~~[(4)]~~ (3) Before a resident may be issued a license under this section, the resident shall:

72 (a) pay a fee determined by the department under Section [63J-1-504](#); and

73 (b) produce satisfactory evidence of the resident's identity, qualifications, and good  
74 standing in the occupation or profession for which licensure is sought.

75 ~~[(5)]~~ (4) In accordance with Section [58-1-107](#), licensure endorsement provisions in this  
76 section may be supplemented or altered by licensure endorsement provisions or multistate  
77 licensure compacts in specific chapters of this title.

78 Section 2. Section **58-3a-105** is enacted to read:

79 **58-3a-105. Surcharge fee.**

80 (1) In addition to any other fees authorized by this chapter or by the division in  
81 accordance with Section [63J-1-504](#), the division shall require each applicant for an initial  
82 license, renewal of a license, or reinstatement of a license under this chapter to pay a \$1  
83 surcharge fee.

84 (2) The surcharge fee shall be used by the division to provide each licensee under this  
85 chapter with access to an electronic reference library that provides web-based access to  
86 national, state, and local building codes and standards.

87 Section 3. Section 58-22-104 is enacted to read:

88 **58-22-104. Surcharge fee.**

89 (1) In addition to any other fees authorized by this chapter or by the division in  
90 accordance with Section 63J-1-504, the division shall require each applicant for an initial  
91 license, renewal of a license, or reinstatement of a license under this chapter to pay a \$1  
92 surcharge fee.

93 (2) The surcharge fee shall be used by the division to provide each licensee under this  
94 chapter with access to an electronic reference library that provides web-based access to  
95 national, state, and local building codes and standards.

96 Section 4. Section 58-55-102 is amended to read:

97 **58-55-102. Definitions.**

98 In addition to the definitions in Section 58-1-102, as used in this chapter:

99 (1) (a) "Alarm business or company" means a person engaged in the sale, installation,  
100 maintenance, alteration, repair, replacement, servicing, or monitoring of an alarm system,  
101 except as provided in Subsection (1)(b).

102 (b) "Alarm business or company" does not include:

103 (i) a person engaged in the manufacture or sale of alarm systems unless:

104 (A) that person is also engaged in the installation, maintenance, alteration, repair,  
105 replacement, servicing, or monitoring of alarm systems;

106 (B) the manufacture or sale occurs at a location other than a place of business  
107 established by the person engaged in the manufacture or sale; or

108 (C) the manufacture or sale involves site visits at the place or intended place of  
109 installation of an alarm system; or

110 (ii) an owner of an alarm system, or an employee of the owner of an alarm system who  
111 is engaged in installation, maintenance, alteration, repair, replacement, servicing, or monitoring  
112 of the alarm system owned by that owner.

113 (2) "Alarm company agent":

114 (a) except as provided in Subsection (2)(b), means any individual employed within this  
115 state by an alarm business; and

116 (b) does not include an individual who:

117 (i) is not engaged in the sale, installation, maintenance, alteration, repair, replacement,

118 servicing, or monitoring of an alarm system; and

119 (ii) does not, during the normal course of the individual's employment with an alarm  
120 business, use or have access to sensitive alarm system information.

121 (3) "Alarm system" means equipment and devices assembled for the purpose of:

122 (a) detecting and signaling unauthorized intrusion or entry into or onto certain  
123 premises; or

124 (b) signaling a robbery or attempted robbery on protected premises.

125 (4) "Apprentice electrician" means a person licensed under this chapter as an  
126 apprentice electrician who is learning the electrical trade under the immediate supervision of a  
127 master electrician, residential master electrician, a journeyman electrician, or a residential  
128 journeyman electrician.

129 (5) "Apprentice plumber" means a person licensed under this chapter as an apprentice  
130 plumber who is learning the plumbing trade under the immediate supervision of a master  
131 plumber, residential master plumber, journeyman plumber, or a residential journeyman  
132 plumber.

133 (6) "Approved continuing education" means instruction provided through courses  
134 under a program established under Subsection 58-55-302.5(2).

135 (7) (a) "Approved prelicensure course provider" means a provider that is ~~§~~ → **[approved by**  
136 **~~the commission with the concurrence of the director]~~ the Associated General Contractors of Utah,  
136a the Utah Chapter of the Associated Builders and Contractors, or the Home Builders  
136b Association ← ~~§~~ , and that meets the requirements**

137 established by rule by the commission with the concurrence of the director, to teach the  
138 25-hour course described in Subsection 58-55-302(1)(e)(iii).

139 (b) "Approved prelicensure course provider" may only include a provider that, in  
140 addition to any other locations, offers the 25-hour course described in Subsection  
141 58-55-302(1)(e)(iii) at least six times each year in one or more counties other than Salt Lake  
142 County, Utah County, Davis County, or Weber County.

143 (8) "Board" means the Electrician Licensing Board, Alarm System Security and  
144 Licensing Board, or Plumbers Licensing Board created in Section 58-55-201.

145 (9) "Combustion system" means an assembly consisting of:

146 (a) piping and components with a means for conveying, either continuously or  
147 intermittently, natural gas from the outlet of the natural gas provider's meter to the burner of the  
148 appliance;

149 (b) the electric control and combustion air supply and venting systems, including air  
150 ducts; and

151 (c) components intended to achieve control of quantity, flow, and pressure.

152 (10) "Commission" means the Construction Services Commission created under  
153 Section [58-55-103](#).

154 (11) "Construction trade" means any trade or occupation involving:

155 (a) (i) construction, alteration, remodeling, repairing, wrecking or demolition, addition  
156 to, or improvement of any building, highway, road, railroad, dam, bridge, structure, excavation  
157 or other project, development, or improvement to other than personal property; and

158 (ii) constructing, remodeling, or repairing a manufactured home or mobile home as  
159 defined in Section [15A-1-302](#); or

160 (b) installation or repair of a residential or commercial natural gas appliance or  
161 combustion system.

162 (12) "Construction trades instructor" means a person licensed under this chapter to  
163 teach one or more construction trades in both a classroom and project environment, where a  
164 project is intended for sale to or use by the public and is completed under the direction of the  
165 instructor, who has no economic interest in the project.

166 (13) (a) "Contractor" means any person who for compensation other than wages as an  
167 employee undertakes any work in the construction, plumbing, or electrical trade for which  
168 licensure is required under this chapter and includes:

169 (i) a person who builds any structure on the person's own property for the purpose of  
170 sale or who builds any structure intended for public use on the person's own property;

171 (ii) any person who represents that the person is a contractor, or will perform a service  
172 described in this Subsection (13), by advertising on a website or social media, or any other  
173 means;

174 (iii) any person engaged as a maintenance person, other than an employee, who  
175 regularly engages in activities set forth under the definition of "construction trade";

176 (iv) any person engaged in, or offering to engage in, any construction trade for which  
177 licensure is required under this chapter; or

178 (v) a construction manager, construction consultant, construction assistant, or any other  
179 person who, for a fee:

- 180 (A) performs or offers to perform construction consulting;
- 181 (B) performs or offers to perform management of construction subcontractors;
- 182 (C) provides or offers to provide a list of subcontractors or suppliers; or
- 183 (D) provides or offers to provide management or counseling services on a construction
- 184 project.

185 (b) "Contractor" does not include:

- 186 (i) an alarm company or alarm company agent; or
- 187 (ii) a material supplier who provides consulting to customers regarding the design and
- 188 installation of the material supplier's products.

189 (14) (a) "Electrical trade" means the performance of any electrical work involved in the

190 installation, construction, alteration, change, repair, removal, or maintenance of facilities,

191 buildings, or appendages or appurtenances.

192 (b) "Electrical trade" does not include:

- 193 (i) transporting or handling electrical materials;
- 194 (ii) preparing clearance for raceways for wiring; ~~[or]~~
- 195 (iii) work commonly done by unskilled labor on any installations under the exclusive
- 196 control of electrical utilities~~[-]~~;

197 (iv) work involving cable-type wiring that does not pose a shock or fire-initiation

198 hazard; or

199 (v) work involving class two or class three power-limited circuits as defined in the

200 National Electrical Code.

201 ~~[(c) For purposes of Subsection (14)(b):]~~

202 ~~[(i) no more than one unlicensed person may be so employed unless more than five~~

203 ~~licensed electricians are employed by the shop; and]~~

204 ~~[(ii) a shop may not employ unlicensed persons in excess of the five-to-one ratio~~

205 ~~permitted by this Subsection (14)(c).]~~

206 (15) "Elevator" means the same as that term is defined in Section 34A-7-202, except

207 that for purposes of this chapter it does not mean a stair chair, a vertical platform lift, or an

208 incline platform lift.

209 (16) "Elevator contractor" means a sole proprietor, firm, or corporation licensed under

210 this chapter that is engaged in the business of erecting, constructing, installing, altering,

211 servicing, repairing, or maintaining an elevator.

212 (17) "Elevator mechanic" means an individual who is licensed under this chapter as an  
213 elevator mechanic and who is engaged in erecting, constructing, installing, altering, servicing,  
214 repairing, or maintaining an elevator under the immediate supervision of an elevator contractor.

215 (18) "Employee" means an individual as defined by the division by rule giving  
216 consideration to the definition adopted by the Internal Revenue Service and the Department of  
217 Workforce Services.

218 (19) "Engage in a construction trade" means to:

219 (a) engage in, represent oneself to be engaged in, or advertise oneself as being engaged  
220 in a construction trade; or

221 (b) use the name "contractor" or "builder" or in any other way lead a reasonable person  
222 to believe one is or will act as a contractor.

223 (20) (a) "Financial responsibility" means a demonstration of a current and expected  
224 future condition of financial solvency evidencing a reasonable expectation to the division and  
225 the board that an applicant or licensee can successfully engage in business as a contractor  
226 without jeopardy to the public health, safety, and welfare.

227 (b) Financial responsibility may be determined by an evaluation of the total history  
228 concerning the licensee or applicant including past, present, and expected condition and record  
229 of financial solvency and business conduct.

230 (21) "Gas appliance" means any device that uses natural gas to produce light, heat,  
231 power, steam, hot water, refrigeration, or air conditioning.

232 (22) (a) "General building contractor" means a person licensed under this chapter as a  
233 general building contractor qualified by education, training, experience, and knowledge to  
234 perform or superintend construction of structures for the support, shelter, and enclosure of  
235 persons, animals, chattels, or movable property of any kind or any of the components of that  
236 construction except plumbing, electrical work, mechanical work, work related to the operating  
237 integrity of an elevator, and manufactured housing installation, for which the general building  
238 contractor shall employ the services of a contractor licensed in the particular specialty, except  
239 that a general building contractor engaged in the construction of single-family and multifamily  
240 residences up to four units may perform the mechanical work and hire a licensed plumber or  
241 electrician as an employee.

242 (b) The division may by rule exclude general building contractors from engaging in the  
243 performance of other construction specialties in which there is represented a substantial risk to  
244 the public health, safety, and welfare, and for which a license is required unless that general  
245 building contractor holds a valid license in that specialty classification.

246 (23) (a) "General electrical contractor" means a person licensed under this chapter as a  
247 general electrical contractor qualified by education, training, experience, and knowledge to  
248 perform the fabrication, construction, and installation of generators, transformers, conduits,  
249 raceways, panels, switch gear, electrical wires, fixtures, appliances, or apparatus that uses  
250 electrical energy.

251 (b) The scope of work of a general electrical contractor may be further defined by rules  
252 made by the commission, with the concurrence of the director, in accordance with Title 63G,  
253 Chapter 3, Utah Administrative Rulemaking Act.

254 (24) (a) "General engineering contractor" means a person licensed under this chapter as  
255 a general engineering contractor qualified by education, training, experience, and knowledge to  
256 perform construction of fixed works in any of the following: irrigation, drainage, water, power,  
257 water supply, flood control, inland waterways, harbors, railroads, highways, tunnels, airports  
258 and runways, sewers and bridges, refineries, pipelines, chemical and industrial plants requiring  
259 specialized engineering knowledge and skill, piers, and foundations, or any of the components  
260 of those works.

261 (b) A general engineering contractor may not perform construction of structures built  
262 primarily for the support, shelter, and enclosure of persons, animals, and chattels.

263 (25) (a) "General plumbing contractor" means a person licensed under this chapter as a  
264 general plumbing contractor qualified by education, training, experience, and knowledge to  
265 perform the fabrication or installation of material and fixtures to create and maintain sanitary  
266 conditions in a building by providing permanent means for a supply of safe and pure water, a  
267 means for the timely and complete removal from the premises of all used or contaminated  
268 water, fluid and semi-fluid organic wastes and other impurities incidental to life and the  
269 occupation of such premises, and a safe and adequate supply of gases for lighting, heating, and  
270 industrial purposes.

271 (b) The scope of work of a general plumbing contractor may be further defined by rules  
272 made by the commission, with the concurrence of the director, in accordance with Title 63G,

273 Chapter 3, Utah Administrative Rulemaking Act.

274 (26) "Immediate supervision" means reasonable direction, oversight, inspection, and  
275 evaluation of the work of a person:

276 (a) as the division specifies in rule;

277 (b) by, as applicable, a qualified electrician or plumber;

278 (c) as part of a planned program of training; and

279 (d) to ensure that the end result complies with applicable standards.

280 (27) "Individual" means a natural person.

281 (28) "Journeyman electrician" means a person licensed under this chapter as a  
282 journeyman electrician having the qualifications, training, experience, and knowledge to wire,  
283 install, and repair electrical apparatus and equipment for light, heat, power, and other purposes.

284 (29) "Journeyman plumber" means a person licensed under this chapter as a  
285 journeyman plumber having the qualifications, training, experience, and technical knowledge  
286 to engage in the plumbing trade.

287 (30) "Master electrician" means a person licensed under this chapter as a master  
288 electrician having the qualifications, training, experience, and knowledge to properly plan,  
289 layout, and supervise the wiring, installation, and repair of electrical apparatus and equipment  
290 for light, heat, power, and other purposes.

291 (31) "Master plumber" means a person licensed under this chapter as a master plumber  
292 having the qualifications, training, experience, and knowledge to properly plan and layout  
293 projects and supervise persons in the plumbing trade.

294 (32) "Person" means a natural person, sole proprietorship, joint venture, corporation,  
295 limited liability company, association, or organization of any type.

296 (33) (a) "Plumbing trade" means the performance of any mechanical work pertaining to  
297 the installation, alteration, change, repair, removal, maintenance, or use in buildings, or within  
298 three feet beyond the outside walls of buildings, of pipes, fixtures, and fittings for the:

299 (i) delivery of the water supply;

300 (ii) discharge of liquid and water carried waste;

301 (iii) building drainage system within the walls of the building; and

302 (iv) delivery of gases for lighting, heating, and industrial purposes.

303 (b) "Plumbing trade" includes work pertaining to the water supply, distribution pipes,

304 fixtures and fixture traps, soil, waste and vent pipes, the building drain and roof drains, and the  
305 safe and adequate supply of gases, together with their devices, appurtenances, and connections  
306 where installed within the outside walls of the building.

307 (34) [(a)] "Ratio of apprentices" means~~[, for the purpose of determining compliance~~  
308 ~~with the requirements for planned programs of training and electrician apprentice licensing~~  
309 ~~applications, the shop ratio of apprentice electricians to journeyman or master electricians shall~~  
310 ~~be one journeyman or master electrician to one apprentice on industrial and commercial work,~~  
311 ~~and one journeyman or master electrician to three apprentices on residential work. (b)-~~  
312 ~~On-the-job training shall be under circumstances in which the ratio of apprentices to~~  
313 ~~supervisors is in accordance with a ratio of one-to-one on nonresidential work and up to three~~  
314 ~~apprentices to one supervisor on residential projects.] the number of licensed plumber~~  
315 ~~apprentices or licensed electrician apprentices that are allowed to be under the immediate~~  
316 ~~supervision of a licensed supervisor as established by the provisions of this chapter and by~~  
317 ~~rules made by the commission, with the concurrence of the director, in accordance with Title~~  
318 ~~63G, Chapter 3, Utah Administrative Rulemaking Act.~~

319 (35) "Residential and small commercial contractor" means a person licensed under this  
320 chapter as a residential and small commercial contractor qualified by education, training,  
321 experience, and knowledge to perform or superintend the construction of single-family  
322 residences, multifamily residences up to four units, and commercial construction of not more  
323 than three stories above ground and not more than 20,000 square feet, or any of the components  
324 of that construction except plumbing, electrical work, mechanical work, and manufactured  
325 housing installation, for which the residential and small commercial contractor shall employ  
326 the services of a contractor licensed in the particular specialty, except that a residential and  
327 small commercial contractor engaged in the construction of single-family and multifamily  
328 residences up to four units may perform the mechanical work and hire a licensed plumber or  
329 electrician as an employee.

330 (36) "Residential building," as it relates to the license classification of residential  
331 journeyman plumber and residential master plumber, means a single or multiple family  
332 dwelling of up to four units.

333 (37) (a) "Residential electrical contractor" means a person licensed under this chapter  
334 as a residential electrical contractor qualified by education, training, experience, and

335 knowledge to perform the fabrication, construction, and installation of services, disconnecting  
336 means, grounding devices, panels, conductors, load centers, lighting and plug circuits,  
337 appliances, and fixtures in a residential unit.

338 (b) The scope of work of a residential electrical contractor may be further defined by  
339 rules made by the commission, with the concurrence of the director, in accordance with Title  
340 63G, Chapter 3, Utah Administrative Rulemaking Act.

341 (38) "Residential journeyman electrician" means a person licensed under this chapter  
342 as a residential journeyman electrician having the qualifications, training, experience, and  
343 knowledge to wire, install, and repair electrical apparatus and equipment for light, heat, power,  
344 and other purposes on buildings using primarily nonmetallic sheath cable.

345 (39) "Residential journeyman plumber" means a person licensed under this chapter as a  
346 residential journeyman plumber having the qualifications, training, experience, and knowledge  
347 to engage in the plumbing trade as limited to the plumbing of residential buildings.

348 (40) "Residential master electrician" means a person licensed under this chapter as a  
349 residential master electrician having the qualifications, training, experience, and knowledge to  
350 properly plan, layout, and supervise the wiring, installation, and repair of electrical apparatus  
351 and equipment for light, heat, power, and other purposes on residential projects.

352 (41) "Residential master plumber" means a person licensed under this chapter as a  
353 residential master plumber having the qualifications, training, experience, and knowledge to  
354 properly plan and layout projects and supervise persons in the plumbing trade as limited to the  
355 plumbing of residential buildings.

356 (42) (a) "Residential plumbing contractor" means a person licensed under this chapter  
357 as a residential plumbing contractor qualified by education, training, experience, and  
358 knowledge to perform the fabrication or installation of material and fixtures to create and  
359 maintain sanitary conditions in residential buildings by providing permanent means for a  
360 supply of safe and pure water, a means for the timely and complete removal from the premises  
361 of all used or contaminated water, fluid and semi-fluid organic wastes and other impurities  
362 incidental to life and the occupation of such premises, and a safe and adequate supply of gases  
363 for lighting, heating, and industrial purposes.

364 (b) The scope of work of a residential plumbing contractor may be further defined by  
365 rules made by the commission, with the concurrence of the director, in accordance with Title

366 63G, Chapter 3, Utah Administrative Rulemaking Act.

367 (43) "Residential project," as it relates to an electrician or electrical contractor, means  
368 buildings primarily wired with nonmetallic sheathed cable, in accordance with standard rules  
369 and regulations governing this work, including the National Electrical Code, and in which the  
370 voltage does not exceed 250 volts line to line and 125 volts to ground.

371 (44) "Sensitive alarm system information" means:

372 (a) a pass code or other code used in the operation of an alarm system;

373 (b) information on the location of alarm system components at the premises of a  
374 customer of the alarm business providing the alarm system;

375 (c) information that would allow the circumvention, bypass, deactivation, or other  
376 compromise of an alarm system of a customer of the alarm business providing the alarm  
377 system; and

378 (d) any other similar information that the division by rule determines to be information  
379 that an individual employed by an alarm business should use or have access to only if the  
380 individual is licensed as provided in this chapter.

381 (45) (a) "Specialty contractor" means a person licensed under this chapter under a  
382 specialty contractor classification established by rule, who is qualified by education, training,  
383 experience, and knowledge to perform those construction trades and crafts requiring  
384 specialized skill, the regulation of which are determined by the division to be in the best  
385 interest of the public health, safety, and welfare.

386 (b) A specialty contractor may perform work in crafts or trades other than those in  
387 which the specialty contractor is licensed if they are incidental to the performance of the  
388 specialty contractor's licensed craft or trade.

389 (46) "Unincorporated entity" means an entity that is not:

390 (a) an individual;

391 (b) a corporation; or

392 (c) publicly traded.

393 (47) "Unlawful conduct" means the same as that term is defined in Sections 58-1-501  
394 and 58-55-501.

395 (48) "Unprofessional conduct" means the same as that term is defined in Sections  
396 58-1-501 and 58-55-502 and as may be further defined by rule.

397 (49) "Wages" means amounts due to an employee for labor or services whether the  
398 amount is fixed or ascertained on a time, task, piece, commission, or other basis for calculating  
399 the amount.

400 Section 5. Section **58-55-104** is enacted to read:

401 **58-55-104. Electrician Education Fund.**

402 (1) There is created an expendable special revenue fund known as the Electrician  
403 Education Fund.

404 (2) The fund consists of money from a surcharge fee, established by the division in  
405 accordance with Section 63J-1-504, placed on initial, renewal, and reinstatement licensure fees  
406 for an apprentice electrician, journeyman electrician, master electrician, residential journeyman  
407 electrician, and residential master electrician.

408 (3) The surcharge fee described in Subsection (2) may not be more than \$5.

409 (4) The fund shall earn interest and all interest earned on fund money shall be  
410 deposited into the fund.

411 (5) The director may, with the concurrence of the commission, make distributions from  
412 the fund for the following purposes:

413 (a) education and training of licensees under this chapter who are practicing in the  
414 electrical trade; and

415 (b) education and training of other licensees under this chapter or the public in matters  
416 concerning electrical laws and practices.

417 (6) If the balance in the fund is more than \$100,000 at the end of any fiscal year, the  
418 excess amount shall be transferred to the General Fund.

419 (7) The division shall report annually to the Business, Economic Development, and  
420 Labor Appropriations Subcommittee regarding the balance in the fund and how the fund is  
421 being used.

422 Section 6. Section **58-55-105** is enacted to read:

423 **58-55-105. Plumber Education Fund.**

424 (1) There is created an expendable special revenue fund known as the Plumber  
425 Education Fund.

426 (2) The fund consists of money from a surcharge fee, established by the division in  
427 accordance with Section 63J-1-504, placed on initial, renewal, and reinstatement licensure fees

428 for apprentice plumbers, journeyman plumbers, master plumbers, residential journeyman  
429 plumbers, and residential master plumbers.

430 (3) The surcharge fee described in Subsection (2) may not be more than \$5.

431 (4) The fund shall earn interest and all interest earned on fund money shall be  
432 deposited into the fund.

433 (5) The director may, with the concurrence of the commission, make distributions from  
434 the fund for the following purposes:

435 (a) education and training of licensees under this chapter who are licensed in the  
436 professions described in Subsection (2); and

437 (b) education and training of other licensees under this chapter or the public in matters  
438 concerning plumbing laws and practices.

439 (6) If the balance in the fund is more than \$100,000 at the end of any fiscal year, the  
440 excess amount shall be transferred to the General Fund.

441 (7) The division shall report annually to the Business, Economic Development, and  
442 Labor Appropriations Subcommittee regarding the balance in the fund and how the fund is  
443 being used.

444 Section 7. Section **58-55-106** is enacted to read:

445 **58-55-106. Surcharge fee.**

446 (1) In addition to any other fees authorized by this chapter or by the division in  
447 accordance with Section [63J-1-504](#), the division shall require each applicant for an initial  
448 license, renewal of a license, or reinstatement of a license under this chapter to pay a \$1  
449 surcharge fee.

450 (2) The surcharge fee shall be used by the division to provide each licensee under this  
451 chapter with access to an electronic reference library that provides web-based access to  
452 national, state, and local building codes and standards.

453 Section 8. Section **58-55-201** is amended to read:

454 **58-55-201. Boards created -- Duties.**

455 (1) There is created a Plumbers Licensing Board, an Alarm System Security and  
456 Licensing Board, and an Electricians Licensing Board. Members of the boards shall be  
457 selected to provide representation as follows:

458 (a) The Plumbers Licensing Board consists of five members as follows:

459 (i) two members shall be licensed from among the license classifications of master or  
460 journeyman plumber;

461 (ii) two members shall be licensed plumbing contractors; and

462 (iii) one member shall be from the public at large with no history of involvement in the  
463 construction trades.

464 (b) (i) The Alarm System Security and Licensing Board consists of five members as  
465 follows:

466 (A) three individuals who are officers or owners of a licensed alarm business;

467 (B) one individual from among nominees of the Utah Peace Officers Association; and

468 (C) one individual representing the general public.

469 (ii) The Alarm System Security and Licensing Board shall designate one of its  
470 members on a permanent or rotating basis to:

471 (A) assist the division in reviewing complaints concerning the unlawful or  
472 unprofessional conduct of a licensee; and

473 (B) advise the division in its investigation of these complaints.

474 (iii) A board member who has, under this Subsection (1)(b)(iii), reviewed a complaint  
475 or advised in its investigation is disqualified from participating with the board when the board  
476 serves as a presiding officer in an adjudicative proceeding concerning the complaint.

477 (c) The Electricians Licensing Board consists of five members as follows:

478 (i) two members shall be licensed from among the license classifications of master or  
479 journeyman electrician, of whom one shall represent a union organization and one shall be  
480 selected having no union affiliation;

481 (ii) two shall be licensed electrical contractors of whom one shall represent a union  
482 organization and one shall be selected having no union affiliation; and

483 (iii) one member shall be from the public at large with no history of involvement in the  
484 construction trades or union affiliation.

485 (2) The duties, functions, and responsibilities of each board include the following:

486 (a) recommending to the commission appropriate rules;

487 (b) recommending to the commission policy and budgetary matters;

488 (c) approving and establishing a passing score for applicant examinations;

489 (d) overseeing the screening of applicants for licensing, renewal, reinstatement, and

490 relicensure;

491 (e) assisting the commission in establishing standards of supervision for students or  
492 persons in training to become qualified to obtain a license in the occupation or profession it  
493 represents; and

494 (f) acting as presiding officer in conducting hearings associated with the adjudicative  
495 proceedings and in issuing recommended orders when so authorized by the commission.

496 (3) The division in collaboration with the Plumbers Licensing Board and the  
497 Electricians Licensing Board shall provide a preliminary report on or before October 1, 2019,  
498 and a final written report on or before June 1, 2020, to the Business and Labor Interim  
499 Committee and the Occupational and Professional Licensure Review Committee that provides  
500 recommendations for consistent educational and training standards for plumber and electrician  
501 apprentice programs in the state, including recommendations for education and training  
502 provided by all providers, including institutions of higher education and technical colleges.

503 Section 9. Section **58-55-302** is amended to read:

504 **58-55-302. Qualifications for licensure.**

505 (1) Each applicant for a license under this chapter shall:

506 (a) submit an application prescribed by the division;

507 (b) pay a fee as determined by the department under Section **63J-1-504**;

508 (c) ~~[(f)]~~ meet the examination requirements established by this section and by rule by  
509 the commission with the concurrence of the director, [except that no examination, other than an  
510 examination as part of a 25-hour course described in Subsection (1)(e)(iii), is required for  
511 licensure as an apprentice electrician, apprentice plumber, or specialty contractor, or] which  
512 requirements include:

513 (i) for licensure as an apprentice electrician, apprentice plumber, or specialty  
514 contractor, no division-administered examination is required;

515 (ii) for licensure as a general building contractor, general engineering contractor,  
516 residential and small commercial contractor, general plumbing contractor, residential plumbing  
517 contractor, general electrical contractor, or residential electrical contractor, the only required  
518 division-administered examination is a division-administered examination that covers  
519 information from the 25-hour course described in Subsection (1)(e)(iii), which course may  
520 have been previously completed as part of applying for any other license under this chapter,

521 and, if the 25-hour course was completed on or after July 1, 2019, the five-hour business law  
522 course described in Subsection (1)(e)(iv); and

523 ~~[(ii)]~~ (iii) if required in Section 58-55-304, ~~[the]~~ an individual qualifier must pass the  
524 required ~~division-administered~~ examination if the applicant is a business entity;

525 (d) if an apprentice, identify the proposed supervisor of the apprenticeship;

526 (e) if an applicant for a contractor's license:

527 (i) produce satisfactory evidence of financial responsibility, except for a construction  
528 trades instructor for whom evidence of financial responsibility is not required;

529 (ii) produce satisfactory evidence of:

530 (A) except as provided in Subsection (2)(a), and except that no employment experience  
531 is required for licensure as a specialty contractor, two years full-time paid employment  
532 experience in the construction industry, which employment experience ~~[may be related to any~~  
533 ~~contracting classification unless more specifically described in this section]~~, unless more  
534 specifically described in this section, may be related to any contracting classification and does  
535 not have to include supervisory experience; and

536 (B) knowledge of the principles of the conduct of business as a contractor, reasonably  
537 necessary for the protection of the public health, safety, and welfare;

538 (iii) except as otherwise provided by rule by the commission with the concurrence of  
539 the director, complete a 25-hour course established by rule by the commission with the  
540 concurrence of the director, which is taught by an approved prelicensure course provider, and  
541 which course may include:

542 (A) construction business practices;

543 (B) bookkeeping fundamentals;

544 (C) mechanics lien fundamentals;

545 (D) other aspects of business and construction principles considered important by the  
546 commission with the concurrence of the director; and

547 (E) for no additional fee, ~~[an]~~ a provider-administered examination at the end of the  
548 25-hour course;

549 (iv) complete a five-hour business and law course established by rule by the  
550 commission with the concurrence of the director, which is taught by an approved prelicensure  
551 course provider, if an applicant for licensure as a general building contractor, general

552 engineering contractor, residential and small commercial contractor, general plumbing  
553 contractor, residential plumbing contractor, general electrical contractor, or residential  
554 electrical contractor, except that if the 25-hour course described in Subsection (1)(e)(iii) was  
555 completed before July 1, 2019, the applicant does not need to take the business and law course;

556 [~~(iv)~~] (v) (A) be a licensed master electrician if an applicant for an electrical  
557 contractor's license or a licensed master residential electrician if an applicant for a residential  
558 electrical contractor's license;

559 (B) be a licensed master plumber if an applicant for a plumbing contractor's license or  
560 a licensed master residential plumber if an applicant for a residential plumbing contractor's  
561 license; or

562 (C) be a licensed elevator mechanic and produce satisfactory evidence of three years  
563 experience as an elevator mechanic if an applicant for an elevator contractor's license; and

564 [~~(v)~~] (vi) when the applicant is an unincorporated entity, provide a list of the one or  
565 more individuals who hold an ownership interest in the applicant as of the day on which the  
566 application is filed that includes for each individual:

567 (A) the individual's name, address, birth date, and social security number; and

568 (B) whether the individual will engage in a construction trade; and

569 (f) if an applicant for a construction trades instructor license, satisfy any additional  
570 requirements established by rule.

571 (2) (a) If the applicant for a contractor's license described in Subsection (1) is a  
572 building inspector, the applicant may satisfy Subsection (1)(e)(ii)(A) by producing satisfactory  
573 evidence of two years full-time paid employment experience as a building inspector, which  
574 shall include at least one year full-time experience as a licensed combination inspector.

575 (b) After approval of an applicant for a contractor's license by the applicable board and  
576 the division, the applicant shall file the following with the division before the division issues  
577 the license:

578 (i) proof of workers' compensation insurance which covers employees of the applicant  
579 in accordance with applicable Utah law;

580 (ii) proof of public liability insurance in coverage amounts and form established by rule  
581 except for a construction trades instructor for whom public liability insurance is not required;  
582 and

583 (iii) proof of registration as required by applicable law with the:

584 (A) Department of Commerce;

585 (B) Division of Corporations and Commercial Code;

586 (C) Unemployment Insurance Division in the Department of Workforce Services, for  
587 purposes of Title 35A, Chapter 4, Employment Security Act;

588 (D) State Tax Commission; and

589 (E) Internal Revenue Service.

590 (3) In addition to the general requirements for each applicant in Subsection (1),  
591 applicants shall comply with the following requirements to be licensed in the following  
592 classifications:

593 (a) (i) A master plumber shall produce satisfactory evidence that the applicant:

594 (A) has been a licensed journeyman plumber for at least two years and had two years of  
595 supervisory experience as a licensed journeyman plumber in accordance with division rule;

596 (B) has received at least an associate of applied science degree or similar degree  
597 following the completion of a course of study approved by the division and had one year of  
598 supervisory experience as a licensed journeyman plumber in accordance with division rule; or

599 (C) meets the qualifications [~~determined by the division in collaboration with the board~~  
600 ~~to be equivalent to Subsection (3)(a)(i)(A) or (B).~~] for expedited licensure as established by  
601 rules made by the commission, with the concurrence of the director, in accordance with Title  
602 63G, Chapter 3, Utah Administrative Rulemaking Act, that clearly demonstrate the applicant  
603 has the knowledge and skills to be a licensed master plumber.

604 (ii) An individual holding a valid Utah license as a journeyman plumber, based on at  
605 least four years of practical experience as a licensed apprentice under the supervision of a  
606 licensed journeyman plumber and four years as a licensed journeyman plumber, in effect  
607 immediately prior to May 5, 2008, is on and after May 5, 2008, considered to hold a current  
608 master plumber license under this chapter, and satisfies the requirements of this Subsection  
609 (3)(a) for the purpose of renewal or reinstatement of that license under Section 58-55-303.

610 (iii) An individual holding a valid plumbing contractor's license or residential  
611 plumbing contractor's license, in effect immediately prior to May 5, 2008, is on or after May 5,  
612 2008:

613 (A) considered to hold a current master plumber license under this chapter if licensed

614 as a plumbing contractor and a journeyman plumber, and satisfies the requirements of this  
615 Subsection (3)(a) for purposes of renewal or reinstatement of that license under Section  
616 [58-55-303](#); and

617 (B) considered to hold a current residential master plumber license under this chapter if  
618 licensed as a residential plumbing contractor and a residential journeyman plumber, and  
619 satisfies the requirements of this Subsection (3)(a) for purposes of renewal or reinstatement of  
620 that license under Section [58-55-303](#).

621 (b) A master residential plumber applicant shall produce satisfactory evidence that the  
622 applicant:

623 (i) has been a licensed residential journeyman plumber for at least two years and had  
624 two years of supervisory experience as a licensed residential journeyman plumber in  
625 accordance with division rule; or

626 (ii) ~~[meets the qualifications determined by the division in collaboration with the board~~  
627 ~~to be equivalent to Subsection (3)(b)(i).]~~ meets the qualifications for expedited licensure as  
628 established by rules made by the commission, with the concurrence of the director, in  
629 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, that clearly  
630 demonstrate the applicant has the knowledge and skills to be a licensed master residential  
631 plumber.

632 (c) A journeyman plumber applicant shall produce satisfactory evidence of:

633 (i) successful completion of the equivalent of at least four years of full-time training  
634 and instruction as a licensed apprentice plumber under supervision of a licensed master  
635 plumber or journeyman plumber and in accordance with a planned program of training  
636 approved by the division;

637 (ii) at least eight years of full-time experience approved by the division in collaboration  
638 with the Plumbers Licensing Board; or

639 (iii) ~~[satisfactory evidence of meeting the qualifications determined by the board to be~~  
640 ~~equivalent to Subsection (3)(c)(i) or (c)(ii).]~~ meeting the qualifications for expedited licensure  
641 as established by rules made by the commission, with the concurrence of the director, in  
642 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, that clearly  
643 demonstrate the applicant has the knowledge and skills to be a licensed journeyman plumber.

644 (d) A residential journeyman plumber shall produce satisfactory evidence of:

645 (i) completion of the equivalent of at least three years of full-time training and  
646 instruction as a licensed apprentice plumber under the supervision of a licensed residential  
647 master plumber, licensed residential journeyman plumber, or licensed journeyman plumber in  
648 accordance with a planned program of training approved by the division;

649 (ii) completion of at least six years of full-time experience in a maintenance or repair  
650 trade involving substantial plumbing work; or

651 (iii) ~~[meeting the qualifications determined by the board to be equivalent to Subsection~~  
652 ~~(3)(d)(i) or (d)(ii).]~~ meeting the qualifications for expedited licensure as established by rules  
653 made by the commission, with the concurrence of the director, in accordance with Title 63G,  
654 Chapter 3, Utah Administrative Rulemaking Act, that clearly demonstrate the applicant has the  
655 knowledge and skills to be a licensed residential journeyman plumber.

656 (e) The conduct of licensed apprentice plumbers and their licensed supervisors shall be  
657 in accordance with the following:

658 (i) while engaging in the trade of plumbing, a licensed apprentice plumber shall be  
659 under the immediate supervision of a licensed master plumber, licensed residential master  
660 plumber, licensed journeyman plumber, or [a] licensed residential journeyman plumber; ~~[and]~~

661 (ii) beginning in a licensed apprentice plumber's fourth year of training, a licensed  
662 apprentice plumber ~~[in the fourth through tenth year of training]~~ may work without supervision  
663 for a period not to exceed eight hours in any 24-hour period~~[-but if the apprentice does not~~  
664 ~~become a licensed journeyman plumber or licensed residential journeyman plumber by the end~~  
665 ~~of the tenth year of apprenticeship, this nonsupervision provision no longer applies.];~~ and

666 (iii) rules made by the commission, with the concurrence of the director, in accordance  
667 with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, regarding the ratio of  
668 apprentices allowed under the immediate supervision of a licensed supervisor, including the  
669 ratio of apprentices in their fourth year of training or later that are allowed to be under the  
670 immediate supervision of a licensed supervisor.

671 (f) A master electrician applicant shall produce satisfactory evidence that the applicant:

672 (i) is a graduate electrical engineer of an accredited college or university approved by  
673 the division and has one year of practical electrical experience as a licensed apprentice  
674 electrician;

675 (ii) is a graduate of an electrical trade school, having received an associate of applied

676 sciences degree following successful completion of a course of study approved by the division,  
677 and has two years of practical experience as a licensed journeyman electrician;

678 (iii) has four years of practical experience as a journeyman electrician; or

679 (iv) ~~[meets the qualifications determined by the board to be equivalent to Subsection~~  
680 ~~(3)(f)(i), (ii), or (iii).]~~ meets the qualifications for expedited licensure as established by rules  
681 made by the commission, with the concurrence of the director, in accordance with Title 63G,  
682 Chapter 3, Utah Administrative Rulemaking Act, that clearly demonstrate the applicant has the  
683 knowledge and skills to be a licensed master electrician.

684 (g) A master residential electrician applicant shall produce satisfactory evidence that  
685 the applicant:

686 (i) has at least two years of practical experience as a residential journeyman electrician;  
687 or

688 (ii) ~~[meets the qualifications determined by the board to be equivalent to this practical~~  
689 ~~experience.]~~ meets the qualifications for expedited licensure as established by rules made by  
690 the commission, with the concurrence of the director, in accordance with Title 63G, Chapter 3,  
691 Utah Administrative Rulemaking Act, that clearly demonstrate the applicant has the knowledge  
692 and skills to be a master residential electrician.

693 (h) A journeyman electrician applicant shall produce satisfactory evidence that the  
694 applicant:

695 (i) has successfully completed at least four years of full-time training and instruction as  
696 a licensed apprentice electrician under the supervision of a master electrician or journeyman  
697 electrician and in accordance with a planned training program approved by the division;

698 (ii) has at least eight years of full-time experience approved by the division in  
699 collaboration with the Electricians Licensing Board; or

700 (iii) ~~[meets the qualifications determined by the board to be equivalent to Subsection~~  
701 ~~(3)(h)(i) or (ii).]~~ meets the qualifications for expedited licensure as established by rules made  
702 by the commission, with the concurrence of the director, in accordance with Title 63G, Chapter  
703 3, Utah Administrative Rulemaking Act, that clearly demonstrate the applicant has the  
704 knowledge and skills to be a licensed journeyman electrician.

705 (i) A residential journeyman electrician applicant shall produce satisfactory evidence  
706 that the applicant:

707 (i) has successfully completed two years of training in an electrical training program  
708 approved by the division;

709 (ii) has four years of practical experience in wiring, installing, and repairing electrical  
710 apparatus and equipment for light, heat, and power under the supervision of a licensed master,  
711 journeyman, residential master, or residential journeyman electrician; or

712 (iii) ~~[meets the qualifications determined by the division and applicable board to be~~  
713 ~~equivalent to Subsection (3)(i)(i) or (ii).]~~ meets the qualifications for expedited licensure as  
714 established by rules made by the commission, with the concurrence of the director, in  
715 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, that clearly  
716 demonstrate the applicant has the knowledge and skills to be a licensed residential journeyman  
717 electrician.

718 (j) The conduct of licensed apprentice electricians and their licensed supervisors shall  
719 be in accordance with the following:

720 (i) A licensed apprentice electrician shall be under the immediate supervision of a  
721 licensed master, journeyman, residential master, or residential journeyman electrician~~[- An~~  
722 ~~apprentice in the fourth year of training];~~

723 (ii) beginning in a licensed apprentice electrician's fourth year of training, a licensed  
724 apprentice electrician may work without supervision for a period not to exceed eight hours in  
725 any 24-hour period[-];

726 ~~[(ii) A licensed master, journeyman, residential master, or residential journeyman~~  
727 ~~electrician may have under immediate supervision on a residential project up to three licensed~~  
728 ~~apprentice electricians.]~~

729 ~~[(iii) A licensed master or journeyman electrician may have under immediate~~  
730 ~~supervision on nonresidential projects only one licensed apprentice electrician.]~~

731 (iii) rules made by the commission, with the concurrence of the director, in accordance  
732 with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, regarding the ratio of  
733 apprentices allowed under the immediate supervision of a licensed supervisor, including the  
734 ratio of apprentices in their fourth year of training or later that are allowed to be under the  
735 immediate supervision of a licensed supervisor; and

736 (iv) a licensed supervisor may have up to three licensed apprentice electricians on a  
737 residential project, or more if established by rules made by the commission, in concurrence

738 with the director, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking  
739 Act.

740 (k) An alarm company applicant shall:

741 (i) have a qualifying agent who is an officer, director, partner, proprietor, or manager of  
742 the applicant who:

743 (A) demonstrates 6,000 hours of experience in the alarm company business;

744 (B) demonstrates 2,000 hours of experience as a manager or administrator in the alarm  
745 company business or in a construction business; and

746 (C) passes an examination component established by rule by the commission with the  
747 concurrence of the director;

748 (ii) if a corporation, provide:

749 (A) the names, addresses, dates of birth, social security numbers, and fingerprint cards  
750 of all corporate officers, directors, and those responsible management personnel employed  
751 within the state or having direct responsibility for managing operations of the applicant within  
752 the state; and

753 (B) the names, addresses, dates of birth, social security numbers, and fingerprint cards  
754 of all shareholders owning 5% or more of the outstanding shares of the corporation, except this  
755 shall not be required if the stock is publicly listed and traded;

756 (iii) if a limited liability company, provide:

757 (A) the names, addresses, dates of birth, social security numbers, and fingerprint cards  
758 of all company officers, and those responsible management personnel employed within the  
759 state or having direct responsibility for managing operations of the applicant within the state;  
760 and

761 (B) the names, addresses, dates of birth, social security numbers, and fingerprint cards  
762 of all individuals owning 5% or more of the equity of the company;

763 (iv) if a partnership, provide the names, addresses, dates of birth, social security  
764 numbers, and fingerprint cards of all general partners, and those responsible management  
765 personnel employed within the state or having direct responsibility for managing operations of  
766 the applicant within the state;

767 (v) if a proprietorship, provide the names, addresses, dates of birth, social security  
768 numbers, and fingerprint cards of the proprietor, and those responsible management personnel

769 employed within the state or having direct responsibility for managing operations of the  
770 applicant within the state;

771 (vi) if a trust, provide the names, addresses, dates of birth, social security numbers, and  
772 fingerprint cards of the trustee, and those responsible management personnel employed within  
773 the state or having direct responsibility for managing operations of the applicant within the  
774 state;

775 (vii) be of good moral character in that officers, directors, shareholders described in  
776 Subsection (3)(k)(ii)(B), partners, proprietors, trustees, and responsible management personnel  
777 have not been convicted of a felony, a misdemeanor involving moral turpitude, or any other  
778 crime that when considered with the duties and responsibilities of an alarm company is  
779 considered by the board to indicate that the best interests of the public are served by granting  
780 the applicant a license;

781 (viii) document that none of the applicant's officers, directors, shareholders described  
782 in Subsection (3)(k)(ii)(B), partners, proprietors, trustees, and responsible management  
783 personnel have been declared by any court of competent jurisdiction incompetent by reason of  
784 mental defect or disease and not been restored;

785 (ix) document that none of the applicant's officers, directors, shareholders described in  
786 Subsection (3)(k)(ii)(B), partners, proprietors, and responsible management personnel are  
787 currently suffering from habitual drunkenness or from drug addiction or dependence;

788 (x) file and maintain with the division evidence of:

789 (A) comprehensive general liability insurance in form and in amounts to be established  
790 by rule by the commission with the concurrence of the director;

791 (B) workers' compensation insurance that covers employees of the applicant in  
792 accordance with applicable Utah law; and

793 (C) registration as is required by applicable law with the:

794 (I) Division of Corporations and Commercial Code;

795 (II) Unemployment Insurance Division in the Department of Workforce Services, for  
796 purposes of Title 35A, Chapter 4, Employment Security Act;

797 (III) State Tax Commission; and

798 (IV) Internal Revenue Service; and

799 (xi) meet with the division and board.

- 800 (l) Each applicant for licensure as an alarm company agent shall:
- 801 (i) submit an application in a form prescribed by the division accompanied by
- 802 fingerprint cards;
- 803 (ii) pay a fee determined by the department under Section 63J-1-504;
- 804 (iii) be of good moral character in that the applicant has not been convicted of a felony,
- 805 a misdemeanor involving moral turpitude, or any other crime that when considered with the
- 806 duties and responsibilities of an alarm company agent is considered by the board to indicate
- 807 that the best interests of the public are served by granting the applicant a license;
- 808 (iv) not have been declared by any court of competent jurisdiction incompetent by
- 809 reason of mental defect or disease and not been restored;
- 810 (v) not be currently suffering from habitual drunkenness or from drug addiction or
- 811 dependence; and
- 812 (vi) meet with the division and board if requested by the division or the board.
- 813 (m) (i) Each applicant for licensure as an elevator mechanic shall:
- 814 (A) provide documentation of experience and education credits of not less than three
- 815 years work experience in the elevator industry, in construction, maintenance, or service and
- 816 repair; and
- 817 (B) satisfactorily complete a written examination administered by the division
- 818 established by rule under Section 58-1-203; or
- 819 (C) provide certificates of completion of an apprenticeship program for elevator
- 820 mechanics, having standards substantially equal to those of this chapter and registered with the
- 821 United States Department of Labor Bureau Apprenticeship and Training or a state
- 822 apprenticeship council.
- 823 (ii) (A) If an elevator contractor licensed under this chapter cannot find a licensed
- 824 elevator mechanic to perform the work of erecting, constructing, installing, altering, servicing,
- 825 repairing, or maintaining an elevator, the contractor may:
- 826 (I) notify the division of the unavailability of licensed personnel; and
- 827 (II) request the division issue a temporary elevator mechanic license to an individual
- 828 certified by the contractor as having an acceptable combination of documented experience and
- 829 education to perform the work described in this Subsection (3)(m)(ii)(A).
- 830 (B) (I) The division may issue a temporary elevator mechanic license to an individual

831 certified under Subsection (3)(m)(ii)(A)(II) upon application by the individual, accompanied by  
832 the appropriate fee as determined by the department under Section 63J-1-504.

833 (II) The division shall specify the time period for which the license is valid and may  
834 renew the license for an additional time period upon its determination that a shortage of  
835 licensed elevator mechanics continues to exist.

836 (4) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
837 division may make rules establishing when Federal Bureau of Investigation records shall be  
838 checked for applicants as an alarm company or alarm company agent.

839 (5) To determine if an applicant meets the qualifications of Subsections (3)(k)(vii) and  
840 (3)(l)(iii), the division shall provide an appropriate number of copies of fingerprint cards to the  
841 Department of Public Safety with the division's request to:

842 (a) conduct a search of records of the Department of Public Safety for criminal history  
843 information relating to each applicant for licensure as an alarm company or alarm company  
844 agent and each applicant's officers, directors, shareholders described in Subsection  
845 (3)(k)(ii)(B), partners, proprietors, and responsible management personnel; and

846 (b) forward to the Federal Bureau of Investigation a fingerprint card of each applicant  
847 requiring a check of records of the Federal Bureau of Investigation for criminal history  
848 information under this section.

849 (6) The Department of Public Safety shall send to the division:

850 (a) a written record of criminal history, or certification of no criminal history record, as  
851 contained in the records of the Department of Public Safety in a timely manner after receipt of  
852 a fingerprint card from the division and a request for review of Department of Public Safety  
853 records; and

854 (b) the results of the Federal Bureau of Investigation review concerning an applicant in  
855 a timely manner after receipt of information from the Federal Bureau of Investigation.

856 (7) (a) The division shall charge each applicant for licensure as an alarm company or  
857 alarm company agent a fee, in accordance with Section 63J-1-504, equal to the cost of  
858 performing the records reviews under this section.

859 (b) The division shall pay the Department of Public Safety the costs of all records  
860 reviews, and the Department of Public Safety shall pay the Federal Bureau of Investigation the  
861 costs of records reviews under this section.

862 (8) Information obtained by the division from the reviews of criminal history records of  
863 the Department of Public Safety and the Federal Bureau of Investigation shall be used or  
864 disseminated by the division only for the purpose of determining if an applicant for licensure as  
865 an alarm company or alarm company agent is qualified for licensure.

866 (9) (a) An application for licensure under this chapter shall be denied if:

867 (i) the applicant has had a previous license, which was issued under this chapter,  
868 suspended or revoked within two years before the date of the applicant's application;

869 (ii) (A) the applicant is a partnership, corporation, or limited liability company; and

870 (B) any corporate officer, director, shareholder holding 25% or more of the stock in the  
871 applicant, partner, member, agent acting as a qualifier, or any person occupying a similar  
872 status, performing similar functions, or directly or indirectly controlling the applicant has  
873 served in any similar capacity with any person or entity which has had a previous license,  
874 which was issued under this chapter, suspended or revoked within two years before the date of  
875 the applicant's application;

876 (iii) (A) the applicant is an individual or sole proprietorship; and

877 (B) any owner or agent acting as a qualifier has served in any capacity listed in  
878 Subsection (9)(a)(ii)(B) in any entity which has had a previous license, which was issued under  
879 this chapter, suspended or revoked within two years before the date of the applicant's  
880 application; or

881 (iv) (A) the applicant includes an individual who was an owner, director, or officer of  
882 an unincorporated entity at the time the entity's license under this chapter was revoked; and

883 (B) the application for licensure is filed within 60 months after the revocation of the  
884 unincorporated entity's license.

885 (b) An application for licensure under this chapter shall be reviewed by the appropriate  
886 licensing board prior to approval if:

887 (i) the applicant has had a previous license, which was issued under this chapter,  
888 suspended or revoked more than two years before the date of the applicant's application;

889 (ii) (A) the applicant is a partnership, corporation, or limited liability company; and

890 (B) any corporate officer, director, shareholder holding 25% or more of the stock in the  
891 applicant, partner, member, agent acting as a qualifier, or any person occupying a similar  
892 status, performing similar functions, or directly or indirectly controlling the applicant has

893 served in any similar capacity with any person or entity which has had a previous license,  
894 which was issued under this chapter, suspended or revoked more than two years before the date  
895 of the applicant's application; or

896 (iii) (A) the applicant is an individual or sole proprietorship; and

897 (B) any owner or agent acting as a qualifier has served in any capacity listed in  
898 Subsection (9)(b)(ii)(B) in any entity which has had a previous license, which was issued under  
899 this chapter, suspended or revoked more than two years before the date of the applicant's  
900 application.

901 (10) (a) (i) A licensee that is an unincorporated entity shall file an ownership status  
902 report with the division every 30 days after the day on which the license is issued if the licensee  
903 has more than five owners who are individuals who:

904 (A) own an interest in the contractor that is an unincorporated entity;

905 (B) own, directly or indirectly, less than an 8% interest, as defined by rule made by the  
906 division in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, in the  
907 unincorporated entity; and

908 (C) engage, or will engage, in a construction trade in the state as owners of the  
909 contractor described in Subsection (10)(a)(i)(A).

910 (ii) If the licensee has five or fewer owners described in Subsection (10)(a)(i), the  
911 licensee shall provide the ownership status report with an application for renewal of licensure.

912 (b) An ownership status report required under this Subsection (10) shall:

913 (i) specify each addition or deletion of an owner:

914 (A) for the first ownership status report, after the day on which the unincorporated  
915 entity is licensed under this chapter; and

916 (B) for a subsequent ownership status report, after the day on which the previous  
917 ownership status report is filed;

918 (ii) be in a format prescribed by the division that includes for each owner, regardless of  
919 the owner's percentage ownership in the unincorporated entity, the information described in  
920 Subsection(1)(e)[~~(v)~~](vi);

921 (iii) list the name of:

922 (A) each officer or manager of the unincorporated entity; and

923 (B) each other individual involved in the operation, supervision, or management of the

924 unincorporated entity; and

925 (iv) be accompanied by a fee set by the division in accordance with Section 63J-1-504  
926 if the ownership status report indicates there is a change described in Subsection (10)(b)(i).

927 (c) The division may, at any time, audit an ownership status report under this  
928 Subsection (10):

929 (i) to determine if financial responsibility has been demonstrated or maintained as  
930 required under Section 58-55-306; and

931 (ii) to determine compliance with Subsection 58-55-501(24), (25), or (27) or  
932 Subsection 58-55-502(8) or (9).

933 (11) (a) An unincorporated entity that provides labor to an entity licensed under this  
934 chapter by providing an individual who owns an interest in the unincorporated entity to engage  
935 in a construction trade in Utah shall file with the division:

936 (i) before the individual who owns an interest in the unincorporated entity engages in a  
937 construction trade in Utah, a current list of the one or more individuals who hold an ownership  
938 interest in the unincorporated entity that includes for each individual:

939 (A) the individual's name, address, birth date, and social security number; and

940 (B) whether the individual will engage in a construction trade; and

941 (ii) every 30 days after the day on which the unincorporated entity provides the list  
942 described in Subsection (11)(a)(i), an ownership status report containing the information that  
943 would be required under Subsection (10) if the unincorporated entity were a licensed  
944 contractor.

945 (b) When filing an ownership list described in Subsection (11)(a)(i) or an ownership  
946 status report described in Subsection (11)(a)(ii), an unincorporated entity shall pay a fee set by  
947 the division in accordance with Section 63J-1-504.

948 (12) This chapter may not be interpreted to create or support an express or implied  
949 independent contractor relationship between an unincorporated entity described in Subsection  
950 (10) or (11) and the owners of the unincorporated entity for any purpose, including income tax  
951 withholding.

952 (13) A social security number provided under Subsection (1)(e)~~(f)~~(vi) is a private  
953 record under Subsection 63G-2-302(1)(i).

954 Section 10. Section 58-55-302.5 is amended to read:

955 **58-55-302.5. Continuing education requirements for contractor licensees --**

956 **Continuing education courses.**

957 (1) (a) Each contractor licensee under a license issued under this chapter shall complete  
958 six hours of approved continuing education during each two-year renewal cycle established by  
959 rule under Subsection 58-55-303(1).

960 (b) Each contractor licensee who has a renewal cycle that ends on or after January 1,  
961 2020, shall complete one hour of approved continuing education on energy conservation as part  
962 of the six required hours.

963 (2) (a) The commission shall, with the concurrence of the division, establish by rule a  
964 program of approved continuing education for contractor licensees.

965 (b) Except as provided in Subsection (2)(e), beginning on or after June 1, 2015, only  
966 courses offered by any of the following may be included in the program of approved continuing  
967 education for contractor licensees:

- 968 (i) the Associated General Contractors of Utah;
- 969 (ii) Associated Builders and Contractors, Utah Chapter;
- 970 (iii) the Home Builders Association of Utah;
- 971 (iv) the National Electrical Contractors Association Intermountain Chapter;
- 972 (v) the Utah Plumbing & Heating Contractors Association;
- 973 (vi) the Independent Electrical Contractors of Utah;
- 974 (vii) the Rocky Mountain Gas Association;
- 975 (viii) the Utah Mechanical Contractors Association;
- 976 (ix) the Sheet Metal Contractors Association;
- 977 (x) the Intermountain Electrical Association;
- 978 (xi) the Builders Bid Service of Utah; or
- 979 (xii) Utah Roofing Contractors Association.

980 (c) An approved continuing education program for a contractor licensee may include a  
981 course approved by an entity described in Subsections (2)(b)(i) through (2)(b)(iii).

982 (d) (i) Except as provided in Subsections (2)(d)(ii) and (iii), an entity listed in  
983 Subsections (2)(b)(iv) through (2)(b)(xii) may only offer and market continuing education  
984 courses to a licensee who is a member of the entity.

985 (ii) An entity described in Subsection (2)(b)(iv), (vi), or (x) may offer and market a

986 continuing education course that the entity offers to satisfy the continuing education  
987 requirement described in Subsection 58-55-302.7(2)(a) to a contractor in the electrical trade.

988 (iii) An entity described in Subsection (2)(b)(v) or (viii) may offer and market a  
989 continuing education course that the entity offers to satisfy the continuing education  
990 requirement described in Subsection 58-55-302.7(2)(b) to a contractor in the plumbing trade.

991 (e) On or after June 1, 2015, an approved continuing education program for a  
992 contractor licensee may include a course offered and taught by:

993 (i) a state executive branch agency;

994 (ii) the workers' compensation insurance carrier that provides workers' compensation  
995 insurance under Section 31A-22-1001; or

996 (iii) a nationally or regionally accredited college or university that has a physical  
997 campus in the state.

998 (f) On or after June 1, 2017, for a contractor licensee that is licensed in the specialty  
999 contractor classification of HVAC contractor, at least three of the six hours described in  
1000 Subsection (1) shall include continuing education directly related to the installation, repair, or  
1001 replacement of a heating, ventilation, or air conditioning system.

1002 (3) The division may contract with a person to establish and maintain a continuing  
1003 education registry to include:

1004 (a) a list of courses that the division has approved for inclusion in the program of  
1005 approved continuing education; and

1006 (b) a list of courses that:

1007 (i) a contractor licensee has completed under the program of approved continuing  
1008 education; and

1009 (ii) the licensee may access to monitor the licensee's compliance with the continuing  
1010 education requirement established under Subsection (1).

1011 (4) The division may charge a fee, as established by the division under Section  
1012 63J-1-504, to administer the requirements of this section.

1013 Section 11. Section 58-55-305 is amended to read:

1014 **58-55-305. Exemptions from licensure.**

1015 (1) In addition to the exemptions from licensure in Section 58-1-307, the following  
1016 persons may engage in acts or practices included within the practice of construction trades,

1017 subject to the stated circumstances and limitations, without being licensed under this chapter:

1018 (a) an authorized representative of the United States government or an authorized  
1019 employee of the state or any of its political subdivisions when working on construction work of  
1020 the state or the subdivision, and when acting within the terms of the person's trust, office, or  
1021 employment;

1022 (b) a person engaged in construction or operation incidental to the construction and  
1023 repair of irrigation and drainage ditches of regularly constituted irrigation districts, reclamation  
1024 districts, and drainage districts or construction and repair relating to farming, dairying,  
1025 agriculture, livestock or poultry raising, metal and coal mining, quarries, sand and gravel  
1026 excavations, well drilling, as defined in Section [73-3-25](#), hauling to and from construction  
1027 sites, and lumbering;

1028 (c) public utilities operating under the rules of the Public Service Commission on work  
1029 incidental to their own business;

1030 (d) sole owners of property engaged in building:

1031 (i) no more than one residential structure per year and no more than three residential  
1032 structures per five years on their property for their own noncommercial, nonpublic use; except,  
1033 a person other than the property owner or individuals described in Subsection (1)(e), who  
1034 engages in building the structure must be licensed under this chapter if the person is otherwise  
1035 required to be licensed under this chapter; or

1036 (ii) structures on their property for their own noncommercial, nonpublic use which are  
1037 incidental to a residential structure on the property, including sheds, carports, or detached  
1038 garages;

1039 (e) (i) a person engaged in construction or renovation of a residential building for  
1040 noncommercial, nonpublic use if that person:

1041 (A) works without compensation other than token compensation that is not considered  
1042 salary or wages; and

1043 (B) works under the direction of the property owner who engages in building the  
1044 structure; and

1045 (ii) as used in this Subsection (1)(e), "token compensation" means compensation paid  
1046 by a sole owner of property exempted from licensure under Subsection (1)(d) to a person  
1047 exempted from licensure under this Subsection (1)(e), that is:

- 1048 (A) minimal in value when compared with the fair market value of the services  
1049 provided by the person;
- 1050 (B) not related to the fair market value of the services provided by the person; and
- 1051 (C) is incidental to the providing of services by the person including paying for or  
1052 providing meals or refreshment while services are being provided, or paying reasonable  
1053 transportation costs incurred by the person in travel to the site of construction;
- 1054 (f) a person engaged in the sale or merchandising of personal property that by its design  
1055 or manufacture may be attached, installed, or otherwise affixed to real property who has  
1056 contracted with a person, firm, or corporation licensed under this chapter to install, affix, or  
1057 attach that property;
- 1058 (g) a contractor submitting a bid on a federal aid highway project, if, before  
1059 undertaking construction under that bid, the contractor is licensed under this chapter;
- 1060 (h) (i) subject to Subsection 58-1-401(2) and Sections 58-55-501 and 58-55-502, a  
1061 person engaged in the alteration, repair, remodeling, or addition to or improvement of a  
1062 building with a contracted or agreed value of less than \$3,000, including both labor and  
1063 materials, and including all changes or additions to the contracted or agreed upon work; and
- 1064 (ii) notwithstanding Subsection (1)(h)(i) and except as otherwise provided in this  
1065 section:
- 1066 (A) work in the plumbing and electrical trades on a Subsection (1)(h)(i) project within  
1067 any six month period of time:
- 1068 (I) must be performed by a licensed electrical or plumbing contractor, if the project  
1069 involves an electrical or plumbing system; and
- 1070 (II) may be performed by a licensed journeyman electrician or plumber or an individual  
1071 referred to in Subsection (1)(h)(ii)(A)(I), if the project involves a component of the system  
1072 such as a faucet, toilet, fixture, device, outlet, or electrical switch;
- 1073 (B) installation, repair, or replacement of a residential or commercial gas appliance or a  
1074 combustion system on a Subsection (1)(h)(i) project must be performed by a person who has  
1075 received certification under Subsection 58-55-308(2) except as otherwise provided in  
1076 Subsection 58-55-308(2)(d) or 58-55-308(3);
- 1077 (C) installation, repair, or replacement of water-based fire protection systems on a  
1078 Subsection (1)(h)(i) project must be performed by a licensed fire suppression systems

1079 contractor or a licensed journeyman plumber;

1080 (D) work as an alarm business or company or as an alarm company agent shall be  
1081 performed by a licensed alarm business or company or a licensed alarm company agent, except  
1082 as otherwise provided in this chapter;

1083 (E) installation, repair, or replacement of an alarm system on a Subsection (1)(h)(i)  
1084 project must be performed by a licensed alarm business or company or a licensed alarm  
1085 company agent;

1086 (F) installation, repair, or replacement of a heating, ventilation, or air conditioning  
1087 system (HVAC) on a Subsection (1)(h)(i) project must be performed by an HVAC contractor  
1088 licensed by the division;

1089 (G) installation, repair, or replacement of a radon mitigation system or a soil  
1090 depressurization system must be performed by a licensed contractor; and

1091 (H) if the total value of the project is greater than \$1,000, the person shall file with the  
1092 division a one-time affirmation, subject to periodic reaffirmation as established by division  
1093 rule, that the person has:

1094 (I) public liability insurance in coverage amounts and form established by division  
1095 rule; and

1096 (II) if applicable, workers compensation insurance which would cover an employee of  
1097 the person if that employee worked on the construction project;

1098 (i) a person practicing a specialty contractor classification or construction trade which  
1099 the director does not classify by administrative rule as significantly impacting the public's  
1100 health, safety, and welfare;

1101 (j) owners and lessees of property and persons regularly employed for wages by owners  
1102 or lessees of property or their agents for the purpose of maintaining the property, are exempt  
1103 from this chapter when doing work upon the property;

1104 (k) (i) a person engaged in minor plumbing work that is incidental, as defined by the  
1105 division by rule, to the replacement or repair of a fixture or an appliance in a residential or  
1106 small commercial building, or structure used for agricultural use, as defined in Section  
1107 [15A-1-202](#), provided that no modification is made to:

1108 (A) existing culinary water, soil, waste, or vent piping; or

1109 (B) a gas appliance or combustion system; and

1110 (ii) except as provided in Subsection (1)(e), installation for the first time of a fixture or  
1111 an appliance is not included in the exemption provided under Subsection (1)(k)(i);

1112 (l) a person who ordinarily would be subject to the plumber licensure requirements  
1113 under this chapter when installing or repairing a water conditioner or other water treatment  
1114 apparatus if the conditioner or apparatus:

1115 (i) meets the appropriate state construction codes or local plumbing standards; and

1116 (ii) is installed or repaired under the direction of a person authorized to do the work  
1117 under an appropriate specialty contractor license;

1118 (m) a person who ordinarily would be subject to the electrician licensure requirements  
1119 under this chapter when employed by:

1120 (i) railroad corporations, telephone corporations or their corporate affiliates, elevator  
1121 contractors or constructors, or street railway systems; or

1122 (ii) public service corporations, rural electrification associations, or municipal utilities  
1123 who generate, distribute, or sell electrical energy for light, heat, or power;

1124 (n) a person involved in minor electrical work incidental to a mechanical or service  
1125 installation, including the outdoor installation of an above-ground, prebuilt hot tub;

1126 (o) a person who ordinarily would be subject to the electrician licensure requirements  
1127 under this chapter but who during calendar years 2009, 2010, or 2011 was issued a specialty  
1128 contractor license for the electrical work associated with the installation, repair, or maintenance  
1129 of solar energy panels, may continue the limited electrical work for solar energy panels under a  
1130 specialty contractor license;

1131 (p) a student participating in construction trade education and training programs  
1132 approved by the commission with the concurrence of the director under the condition that:

1133 (i) all work intended as a part of a finished product on which there would normally be  
1134 an inspection by a building inspector is, in fact, inspected and found acceptable by a licensed  
1135 building inspector; and

1136 (ii) a licensed contractor obtains the necessary building permits;

1137 (q) a delivery person when replacing any of the following existing equipment with a  
1138 new gas appliance, provided there is an existing gas shutoff valve at the appliance:

1139 (i) gas range;

1140 (ii) gas dryer;

1141 (iii) outdoor gas barbeque; or  
1142 (iv) outdoor gas patio heater;  
1143 (r) a person performing maintenance on an elevator as defined in Subsection  
1144 ~~58-55-102(14)~~(15), if the maintenance is not related to the operating integrity of the elevator;  
1145 and

1146 (s) an apprentice or helper of an elevator mechanic licensed under this chapter when  
1147 working under the general direction of the licensed elevator mechanic.

1148 (2) A compliance agency as defined in Section 15A-1-202 that issues a building permit  
1149 to a person requesting a permit as a sole owner of property referred to in Subsection (1)(d) shall  
1150 notify the division, in writing or through electronic transmission, of the issuance of the permit.

1151 Section 12. Section 58-56-3.5 is enacted to read:

1152 **58-56-3.5. Surcharge fee.**

1153 (1) In addition to any other fees authorized by this chapter or by the division in  
1154 accordance with Section 63J-1-504, the division shall require each applicant for an initial  
1155 license, renewal of a license, or reinstatement of a license under this chapter to pay a \$1  
1156 surcharge fee.

1157 (2) The surcharge fee shall be used by the division to provide each licensee under this  
1158 chapter with access to an electronic reference library that provides web-based access to  
1159 national, state, and local building codes and standards.

1160 Section 13. Section 63J-1-602.1 is amended to read:

1161 **63J-1-602.1. List of nonlapsing appropriations from accounts and funds.**

1162 Appropriations made from the following accounts or funds are nonlapsing:

1163 (1) The Utah Intracurricular Student Organization Support for Agricultural Education  
1164 and Leadership Restricted Account created in Section 4-42-102.

1165 (2) The Native American Repatriation Restricted Account created in Section 9-9-407.

1166 (3) The Martin Luther King, Jr. Civil Rights Support Restricted Account created in  
1167 Section 9-18-102.

1168 (4) The National Professional Men's Soccer Team Support of Building Communities  
1169 Restricted Account created in Section 9-19-102.

1170 (5) Funds collected for directing and administering the C-PACE district created in  
1171 Section 11-42a-302.

- 1172 (6) Award money under the State Asset Forfeiture Grant Program, as provided under  
1173 Section [24-4-117](#).
- 1174 (7) Funds collected from the program fund for local health department expenses  
1175 incurred in responding to a local health emergency under Section [26-1-38](#).
- 1176 (8) Funds collected from the emergency medical services grant program, as provided in  
1177 Section [26-8a-207](#).
- 1178 (9) The Prostate Cancer Support Restricted Account created in Section [26-21a-303](#).
- 1179 (10) The Children with Cancer Support Restricted Account created in Section  
1180 [26-21a-304](#).
- 1181 (11) State funds for matching federal funds in the Children's Health Insurance Program  
1182 as provided in Section [26-40-108](#).
- 1183 (12) The Children with Heart Disease Support Restricted Account created in Section  
1184 [26-58-102](#).
- 1185 (13) The Nurse Home Visiting Restricted Account created in Section [26-62-601](#).
- 1186 (14) The Technology Development Restricted Account created in Section [31A-3-104](#).
- 1187 (15) The Criminal Background Check Restricted Account created in Section  
1188 [31A-3-105](#).
- 1189 (16) The Captive Insurance Restricted Account created in Section [31A-3-304](#), except  
1190 to the extent that Section [31A-3-304](#) makes the money received under that section free revenue.
- 1191 (17) The Title Licensee Enforcement Restricted Account created in Section  
1192 [31A-23a-415](#).
- 1193 (18) The Health Insurance Actuarial Review Restricted Account created in Section  
1194 [31A-30-115](#).
- 1195 (19) The Insurance Fraud Investigation Restricted Account created in Section  
1196 [31A-31-108](#).
- 1197 (20) The Underage Drinking Prevention Media and Education Campaign Restricted  
1198 Account created in Section [32B-2-306](#).
- 1199 (21) The School Readiness Restricted Account created in Section [35A-3-210](#).
- 1200 (22) The Youth Development Organization Restricted Account created in Section  
1201 [35A-8-1903](#).
- 1202 (23) The Youth Character Organization Restricted Account created in Section

1203 [35A-8-2003](#).

1204 (24) Money received by the Utah State Office of Rehabilitation for the sale of certain  
1205 products or services, as provided in Section [35A-13-202](#).

1206 (25) The Oil and Gas Conservation Account created in Section [40-6-14.5](#).

1207 (26) The Electronic Payment Fee Restricted Account created by Section [41-1a-121](#) to  
1208 the Motor Vehicle Division.

1209 (27) The Motor Vehicle Enforcement Division Temporary Permit Restricted Account  
1210 created by Section [41-3-110](#) to the State Tax Commission.

1211 (28) The Utah Law Enforcement Memorial Support Restricted Account created in  
1212 Section [53-1-120](#).

1213 (29) The State Disaster Recovery Restricted Account to the Division of Emergency  
1214 Management, as provided in Section [53-2a-603](#).

1215 (30) The Department of Public Safety Restricted Account to the Department of Public  
1216 Safety, as provided in Section [53-3-106](#).

1217 (31) The Utah Highway Patrol Aero Bureau Restricted Account created in Section  
1218 [53-8-303](#).

1219 (32) The DNA Specimen Restricted Account created in Section [53-10-407](#).

1220 (33) The Canine Body Armor Restricted Account created in Section [53-16-201](#).

1221 (34) A certain portion of money collected for administrative costs under the School  
1222 Institutional Trust Lands Management Act, as provided under Section [53C-3-202](#).

1223 (35) The Public Utility Regulatory Restricted Account created in Section [54-5-1.5](#),  
1224 subject to Subsection [54-5-1.5\(4\)\(d\)](#).

1225 (36) Funds collected from a surcharge fee to provide certain licensees with access to an  
1226 electronic reference library, as provided in Section [58-3a-105](#).

1227 [~~36~~] (37) Certain fines collected by the Division of Occupational and Professional  
1228 Licensing for violation of unlawful or unprofessional conduct that are used for education and  
1229 enforcement purposes, as provided in Section [58-17b-505](#).

1230 (38) Funds collected from a surcharge fee to provide certain licensees with access to an  
1231 electronic reference library, as provided in Section [58-22-104](#).

1232 (39) Funds collected from a surcharge fee to provide certain licensees with access to an  
1233 electronic reference library, as provided in Section [58-55-106](#).

1234 (40) Funds collected from a surcharge fee to provide certain licensees with access to an  
1235 electronic reference library, as provided in Section 58-56-3.5.

1236 [~~37~~] (41) Certain fines collected by the Division of Occupational and Professional  
1237 Licensing for use in education and enforcement of the Security Personnel Licensing Act, as  
1238 provided in Section 58-63-103.

1239 [~~38~~] (42) The Relative Value Study Restricted Account created in Section 59-9-105.

1240 [~~39~~] (43) The Cigarette Tax Restricted Account created in Section 59-14-204.

1241 [~~40~~] (44) Funds paid to the Division of Real Estate for the cost of a criminal  
1242 background check for a mortgage loan license, as provided in Section 61-2c-202.

1243 [~~41~~] (45) Funds paid to the Division of Real Estate for the cost of a criminal  
1244 background check for principal broker, associate broker, and sales agent licenses, as provided  
1245 in Section 61-2f-204.

1246 [~~42~~] (46) Certain funds donated to the Department of Human Services, as provided in  
1247 Section 62A-1-111.

1248 [~~43~~] (47) The National Professional Men's Basketball Team Support of Women and  
1249 Children Issues Restricted Account created in Section 62A-1-202.

1250 [~~44~~] (48) Certain funds donated to the Division of Child and Family Services, as  
1251 provided in Section 62A-4a-110.

1252 [~~45~~] (49) The Choose Life Adoption Support Restricted Account created in Section  
1253 62A-4a-608.

1254 [~~46~~] (50) Funds collected by the Office of Administrative Rules for publishing, as  
1255 provided in Section 63G-3-402.

1256 [~~47~~] (51) The Immigration Act Restricted Account created in Section 63G-12-103.

1257 [~~48~~] (52) Money received by the military installation development authority, as  
1258 provided in Section 63H-1-504.

1259 [~~49~~] (53) The Computer Aided Dispatch Restricted Account created in Section  
1260 63H-7a-303.

1261 [~~50~~] (54) The Unified Statewide 911 Emergency Service Account created in Section  
1262 63H-7a-304.

1263 [~~51~~] (55) The Utah Statewide Radio System Restricted Account created in Section  
1264 63H-7a-403.

- 1265            [~~(52)~~] (56) The Employability to Careers Program Restricted Account created in  
1266 Section [63J-4-703](#).
- 1267            [~~(53)~~] (57) The Motion Picture Incentive Account created in Section [63N-8-103](#).
- 1268            [~~(54)~~] (58) Certain money payable for expenses of the Pete Suazo Utah Athletic  
1269 Commission, as provided under Section [63N-10-301](#).
- 1270            [~~(55)~~] (59) Funds collected by the housing of state probationary inmates or state parole  
1271 inmates, as provided in Subsection [64-13e-104\(2\)](#).
- 1272            [~~(56)~~] (60) Certain forestry and fire control funds utilized by the Division of Forestry,  
1273 Fire, and State Lands, as provided in Section [65A-8-103](#).
- 1274            [~~(57)~~] (61) Certain funds received by the Office of the State Engineer for well drilling  
1275 fines or bonds, as provided in Section [73-3-25](#).
- 1276            [~~(58)~~] (62) The Water Resources Conservation and Development Fund, as provided in  
1277 Section [73-23-2](#).
- 1278            [~~(59)~~] (63) Funds donated or paid to a juvenile court by private sources, as provided in  
1279 Subsection [78A-6-203\(1\)\(c\)](#).
- 1280            [~~(60)~~] (64) Fees for certificate of admission created under Section [78A-9-102](#).
- 1281            [~~(61)~~] (65) Funds collected for adoption document access as provided in Sections  
1282 [78B-6-141](#), [78B-6-144](#), and [78B-6-144.5](#).
- 1283            [~~(62)~~] (66) Revenue for golf user fees at the Wasatch Mountain State Park, Palisades  
1284 State Park, Jordan River State Park, and Green River State Park, as provided under Section  
1285 [79-4-403](#).
- 1286            [~~(63)~~] (67) Certain funds received by the Division of Parks and Recreation from the  
1287 sale or disposal of buffalo, as provided under Section [79-4-1001](#).
- 1288            [~~(64)~~] (68) Funds collected for indigent defense as provided in Title 77, Chapter 32,  
1289 Part 8, Utah Indigent Defense Commission.